

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-20080  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MANUEL D. GUZMAN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-95-CR-178-3  
- - - - -

December 4, 1996

Before KING, DAVIS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Manuel Guzman argues that the district court erred in increasing his offense level for obstruction of justice and in denying him a reduction in his offense level for the acceptance of responsibility.

The record supports the district court's determination that Guzman provided materially false testimony at the sentencing

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

hearing. Thus, the district court did not clearly err in applying the upward adjustment to Guzman's offense level based on an obstruction of justice. See *United States v. Montan-Silva*, 15 F.3d 52 (5th Cir. 1994); U.S.S.G. § 3C1.1.

The district court did not err in denying Guzman a reduction of his offense level for the acceptance of responsibility because Guzman denied the commission of relevant conduct and attempted to minimize his role in the offense. See *United States v. Smith*, 13 F.3d 860, 866 (5th Cir.), *cert. denied*, 114 S. Ct. 2151 (1994); *United States v. Rivas*, 85 F.2d 193, 195 (1996). Further, Guzman has not demonstrated extraordinary circumstances that justify an adjustment for the obstruction of justice and for the acceptance of responsibility. See U.S.S.G. § 3E1.1, comment (n.4).

AFFIRMED.